

E-Filed 12/8/10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PHONG K. NGUYEN,
Petitioner,

No. C 10-4126 RS (PR)

ORDER OF DISMISSAL


v.

BEN CURRY, Warden,
Respondent.

This is a federal habeas corpus action filed by a *pro se* state prisoner pursuant to 28 U.S.C. § 2254. By order of this Court, petitioner was instructed that he was, within 30 days, to (1) pay the filing fee of \$5.00, or (2) file a complete *in forma pauperis* ("IFP") application, or he would face dismissal of the action. More than 30 days have passed since the order was filed and petitioner has not paid the filing fee or filed an IFP application. Accordingly, the action is DISMISSED without prejudice to petitioner's paying the filing fee or filing a complete IFP application. The Clerk shall enter judgment in favor of respondent and close the file.

IT IS SO ORDERED.

DATED: December 8, 2010


RICHARD SEEBORG
United States District Judge

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